

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEREMIAH C. BINGHAM,

Defendant.

Case No. CR09-182-RAJ

**PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE**

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on May 4, 2011. The defendant appeared pursuant to warrant issued in this case. The United States was represented by Jeff Backhus, and defendant was represented by Paula Deutsch. Also present was Senior U.S. Probation Officer Felix Calvillo, Jr. The proceedings were digitally recorded.

SENTENCE AND PRIOR ACTION

Defendant was sentenced originally on September 23, 2009, by the Honorable Richard A. Jones for Failure to Pay Legal Child Support. He received five years of probation. In addition to the standard conditions of supervision, the Court imposed the following special conditions; restitution in the amount of \$13,667.63; several financial conditions; a search condition; submit to a sample of his blood, breath or urine at the discretion of the probation office; comply with

PROPOSED FINDINGS OF FACT AND
DETERMINATION AS TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE - 1

1 mental health treatment, and take prescription medication as deemed necessary by a medical
2 doctor; and reside and participate in a residential reentry center (RRC) if and as directed by the
3 probation office.

4 On June 5, 2009, jurisdiction was transferred from the District of South Dakota to the
5 Western District of Washington.

6 On February 10, 2010, a violation report and request for warrant was submitted by the
7 probation officer alleging that Mr. Bingham violated the terms of his probation by: failing to pay
8 \$200 monthly towards restitution; failing to notify the probation officer prior to changing
9 residence; committing the crimes of assault and felony harassment on or before January 23,
10 2010; and failing to cooperate in the collection of DNA. The Court issued a warrant for Mr.
11 Bingham's arrest on February 17, 2010.

12 On June 17, 2010, Mr. Bingham appeared before the Court for sentencing regarding the
13 above mentioned violations of supervision. Ultimately, he admitted to two violations (failing to
14 pay towards restitution and failing to notify the probation officer before changing residence) with
15 the remaining two violations being dismissed. His term of probation was revoked and he was
16 sentenced to 50 days detention, or until RRC bed space became available, followed by 12
17 months of supervised release. He released to Tacoma RRC on June 24, 2010, for up to 120 days
18 placement at which time his term of supervision commenced. Mr. Bingham released from the
19 RRC to a clean and sober recovery house on July 19, 2010.

20 On September 7, 2010, a violation report and request for warrant was submitted by the
21 probation officer alleging that Mr. Bingham violated the terms of his probation by: failing to pay
22 \$200 monthly towards restitution; failing to notify the probation officer prior to changing
23 residence; committing the crimes of assault and felony harassment on or before January 23,

2010; and, failing to cooperate in the collection of DNA. On September 13, 2010, the Court issued a warrant for Mr. Bingham's arrest which was placed on him as a detainer at the Kent City Jail.

On February 11, 2011, the Court found Mr. Bingham in violation of his conditions of supervision and revoked the term of supervised release. The Court imposed 90 days detention to be followed by three months supervised release with the special condition that he reside in and satisfactorily participate in a residential reentry center program for up to 90 days.

PRESENTLY ALLEGED VIOLATIONS

In a petition dated April 22, 2011, Senior U.S. Probation Officer Felix Calvillo, Jr. alleged that defendant violated the following conditions of supervised release:

1. Failing to satisfactorily participate in a residential reentry center program for up to 90 days by terminated on April 22, 2011.

FINDINGS FOLLOWING EVIDENTIARY HEARING

The Court admitted the written report generated by the residential reentry center program. Senior Probation Officer Cavillo and the defendant testified. Based on the evidence presented, the Court finds defendant was terminated from the residential reentry center program after a verbal altercation with center staff on April 22, 2011. Defendant's termination violates the special condition that he complete the residential reentry program. Defendant remains in custody and a disposition hearing has been set for May 27, 2011 at 9:00 a.m. before District Judge Richard A. Jones.

RECOMMENDED FINDINGS AND CONCLUSIONS

Based upon the foregoing, I recommend the court find that defendant has violated the

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1 conditions of his supervised release as alleged above, and conduct a disposition hearing.

2 DATED this 4th day of May, 2011.

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4 BRIAN A. TSUCHIDA
5 United States Magistrate Judge
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